

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

JOHN MOLLEUR, on behalf of himself  
and others similarly situated,

Plaintiffs,

v.

NES GLOBAL, LLC,

Defendant.

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NO. 1:22-cv-777

**NOTICE OF REMOVAL**

Defendant NES Global, LLC (“Defendant”) files this Notice of Removal of the civil action filed against it by Plaintiff John Molleur, to the United States District Court for the District of New Mexico, pursuant to the provisions of 28 U.S.C. §§ 1332 and 1441 on the basis of the following facts, which demonstrate the existence of diversity jurisdiction in this Court.

**I. INTRODUCTION**

1. On August 16, 2022, Plaintiff John Molleur (“Plaintiff”) filed his Original Civil Class Action Complaint (the “Complaint”) in the First Judicial District Court of Santa Fe County, New Mexico, styled *John Molleur, on behalf of himself and others similarly situated v. NES Global, LLC*, No. D-101-CV-2022-01491.

2. On September 19, 2022, Plaintiff served a copy of the Complaint on Defendant.

**II. GROUNDS FOR REMOVAL**

3. As demonstrated below, this Court has original jurisdiction over this action under 28 U.S.C. § 1332 by virtue of the parties’ complete diversity of citizenship and the amount in controversy.

4. **Diversity of Citizenship:** There is complete diversity of citizenship between the parties in this action as required by 28 U.S.C. § 1332:

- a. Plaintiff: Plaintiff was, at the commencement of this action, and is presently, a citizen and resident of the State of New Mexico (Complaint at ¶ 9).
- b. Defendant: Defendant was, at the commencement of this action, and is presently, a citizen of the State of Florida, being a limited liability company organized and existing under the laws of the State of Florida and having its principal place of business in the State of Texas. NES Global Talent US Inc., the sole member of Defendant NES Global, LLC, is a privately held corporation organized and existing under the laws of the State of Delaware and having its principal place of business in the State of Texas.

5. **Amount in Controversy:** The amount in controversy in Plaintiff's action is in excess of \$75,000.00, exclusive of interest and costs. The Complaint involves claims brought pursuant to the New Mexico Minimum Wage Act for allegedly unpaid overtime wages on behalf of Plaintiff and a class of all others similarly situated. (Complaint at ¶¶ 8, 89). Plaintiff claims that "the amount in controversy is under five million dollars" and "the size of the class is less than one hundred (100) members." (Complaint at ¶ 21). Plaintiff is also seeking monetary relief in the form of attorneys' fees and expenses of this action, to be paid by Defendant. (Complaint at ¶ 73).

### **III. REMOVAL IS PROPER**

6. Removal is proper because the parties are completely diverse in citizenship, and the amount in controversy exceeds \$75,000.00. Thus, Defendant may remove this action to the District of New Mexico, pursuant to 28 U.S.C. § 1441.

7. Although Plaintiff asserts state law claims, this Court may assert supplemental jurisdiction over such state-law claims pursuant to 28 U.S.C. § 1367.

### **IV. VENUE IS PROPER**

8. The United States District Court for the District of New Mexico embraces the county in which the state court action is now pending. Therefore, under 28 U.S.C. § 111 and 1441(a), this Court is a proper venue for this action.

**V. REMOVAL IS TIMELY**

9. **Service of Process:** Defendants were served with Plaintiff's Original Civil Class Action Complaint on September 19, 2022. *See* Exhibit A, Executed Service of Process.

10. **Removal is Timely:** This Notice of Removal is filed within thirty (30) days of the date Defendant was served with notice of Plaintiff's lawsuit. Therefore, this Notice of Removal is timely under 28 U.S.C. § 1446(b).

**VI. THE PROCEDURAL REQUIREMENTS FOR REMOVAL ARE SATISFIED**

11. Under 28 U.S.C. § 1446(a), and the Rule 81.1 of the District of New Mexico Local Civil Rules, Defendant will file with the Clerk legible copies of any records and proceedings from the state court action within twenty-eight (28) days after filing this Notice of Removal. Attached to this Notice of Removal and incorporated by this reference is a courtesy copy of Plaintiff's Original Civil Class Action Complaint (**Exhibit A**) including all executed process in this case.

12. Pursuant to 28 U.S.C. § 1446(d), Defendant is also promptly filing a written notice of filing notice of removal and a true and complete copy of this Notice of Removal with the clerk of the First Judicial District Court of Santa Fe County, New Mexico, and is serving Plaintiff with copies of the same.

**VII. PRAYER**

WHEREFORE, Defendant NES Global, LLC prays that this Notice of Removal be deemed good and sufficient, and that Plaintiff's Original Civil Class Action Complaint be removed from the First Judicial District Court of Santa Fe County, New Mexico to the United States District Court for the District of New Mexico. Defendant further prays that this Court accept jurisdiction of this action and that it be placed on this Court's docket for further proceedings as though it had originated in this Court and that the Court issue all necessary orders.

Dated: October 19, 2022

Respectfully submitted,

**BAKER & HOSTETLER LLP**

By: /s/ Ashlee Cassman Grant

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**ATTORNEYS FOR DEFENDANT  
NES GLOBAL, LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served *via* electronic service on this 19<sup>th</sup> day of October 2022, on the following counsel of record:

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